IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

FIRST APPEAL NO. 2666 OF 2007.

Sou.Sunita Dhananjay Surwase & ors. ... Appellants.

Versus.

Dhananjay Shankare Surwase. ... Respondent.

Shri Machindra Patil for the Appellants.

Shri Prashant Kulkarni i/by Shri Prabhakar Jadhav for the Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 19th December, 2007.

P.C.:

1. The learned Advocate for the Appellants states that after the order dated 29th November 2007 was passed, he has written a letter to the Appellants calling for instructions. He stated that the Appellants, however, have not responded.

2, The Advocate for the Respondent has invited my attention to the consent decree passed in Special Civil Suit No.73 of 2005 to which the Appellants are the parties. In fact the present Appellants are the Plaintiffs in the said suit. My attention has been invited to clause 5 of the consent terms in terms of which a decree has been passed in the said suit. Clause 5 of the consent terms record that the parties have agreed that in view of the compromise, the decree passed

in Special Civil Suit No. 81 of 2000 which is the subject matter of challenge in this First Appeal stands set aside.

3. In view of the consent decree passed in Special Civil suit No.73 of 2005, the present Appeal does not survive and the same is disposed of.

Judge.